

CHIROPRACTIC EXAMINING BOARD
REGULAR MEETING
MARCH 8, 2001

MEMBERS PRESENT: Dale Strama, DC; Char Glocke; James Rosemeyer, DC; James Greenwald, DC; Susan Feith; Bevier Hasbrouck Sleight, III, DC

LEGAL COUNSEL: John Schweitzer

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

CALL TO ORDER

Chair Dale Strama called the meeting to order at 8:04 a.m.

APPROVAL OF AGENDA

Amendments: -Letter from Gregg Underheim
-Letter from Frank Hideg, NBCE

MOTION: Bevier Sleight moved, seconded by James Greenwald, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 8, 2001

MOTION: Bevier Sleight moved, seconded by Susan Feith, to approve the Minutes of February 8, 2001 as written. Motion carried unanimously.

ACTING SECRETARY BILL CONWAY

Acting Secretary Bill Conway welcomed the Board. A new Secretary has not yet been named, but hopefully that will happen soon.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES

These reports were informational.

LETTER FROM GREGG UNDERHEIM

John Schweitzer, James Greenwald and Bill Conway attended the legislative hearing on the proposed CE changes. Gregg Underheim wrote to the board to request some language changes.

MOTION: James Rosemeyer moved, seconded by Char Glocke, to rework the draft language for rule changes to specify the number of hours of CE for specific topic areas and to specify this for the next biennium period. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATION

DANIEL STRONG, DC

DOE attorney Colleen Baird presented a proposed stipulation in the matter concerning Daniel Strong, DC. This matter will be deliberated on in closed session.

REVIEW OF SCOPE STATEMENT AND DISCUSSION OF ATTORNEY GENERAL'S OPINION REGARDING THE DEFINITION OF "CHIROPRACTIC ADJUSTMENT"

Bevier Sleight suggested putting together an ad hoc committee with a variety of chiropractic techniques represented to help define "chiropractic adjustment."

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to form an ad hoc committee with six (6) chiropractors from Wisconsin and one Board member to define "chiropractic adjustment" and make its recommendations to the Board by August 1, 2001. Motion carried unanimously.

REQUEST FROM ACCIDENT CARE NETWORK FOR APPROVAL OF DIRECT MAIL MARKETING

John Schweitzer will respond to Gary Dulmes, Accident Care Network, that the Board has no opinion on this issue, but does not condone this practice.

APPEARANCE BY JOEL WARNER OF ELECTROMED

Joel Warner presented his proposal for ElectroMed to the Board. Brian Palavak, DC, also was present. The Board stated their concerns to Mr. Warner that his proposal appears to be fee splitting, and suggested Mr. Warner talk to his attorney.

DISCUSSION OF PHYSICAL THERAPY LEGISLATION TO ELIMINATE PHYSICAL THERAPY AS A COMPONENT OF CHIROPRACTIC LANGUAGE

The Board spoke with Ron Hermes, WPTA, about the proposed physical therapy bill. The current language would allow only a PT to bill for physical therapy services. The bill has not yet been introduced and the Chiropractic Examining Board wants to review the bill when it is introduced.

DISCUSSION OF CE AUDIT

Bevier Sleight and James Rosemeyer will meet to discuss the issue of conducting an audit.

DISCUSSION OF ONLINE CE

There is a strong suggestion that online CE does not fit into the current rules for CE. Internet courses would need to meet the current requirements and should be submitted for review.

PRECEPTOR APPROVAL

MOTION: Bevier Sleight moved, seconded by Char Glocke, to approve **Michael J. Kaminski** as a preceptor. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, appearances regarding petitions for unlimited licenses, reviewing case status report, consulting with legal counsel and preparation for March examination. Roll call vote: Dale Strama – yes, James Greenwald – yes, Bevier Sleight – yes, James Rosemeyer – yes, Char Glocke – yes, Susan Feith - yes. Motion carried unanimously.

Open session recessed at 10:18 a.m.

RECONVENE IN OPEN SESSION

MOTION: James Rosemeyer moved, seconded by Char Glocke, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:17 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PERSONAL APPEARANCES IN CONSIDERATION OF UNLIMITED LICENSES

INGOLF K BARTELS, DC

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to reinstate the unlimited license of Ingolf K. Bartels, DC. Motion carried unanimously.

RICHARD ESENBERG, DC

Richard Esenberg, DC, appeared with his attorney, Andrew Griggs.

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to have Richard Esenberg, DC, undergo a psychiatric evaluation and a blood test within the next 45 and submit the reports to the Board. Upon receipt of the reports, the Board will review and make a decision on Dr. Esenberg's request for an unlimited license. Motion carried unanimously.

PROPOSED STIPULATIONS

Dale Strama left the room prior to the deliberations on the two proposed stipulations and was absent during voting. Bevier Sleight took over the duties of Chair in his absence.

DANIEL STRONG, DC

MOTION: James Rosemeyer moved, seconded by James Greenwald, to reject the proposed stipulation in the matter concerning Daniel Strong, DC, and send the matter back to DOE with a recommendation that Dr. Strong be reprimanded. Dale Strama abstained. Motion carried.

JOHN ZASTROW, DC

MOTION: Bevier Sleight moved, seconded by Char Glocke, to send the proposed stipulation in the matter concerning John Zastrow, DC, back to DOE for information regarding Dr. Zastrow's training to treat animals. Dale Strama and James Greenwald abstained. Motion carried

Dale Strama returned to the meeting and resumed as Chair.

CASE STATUS REPORT

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to close complaint **00 CHI 070** for no violation. Case advisor – James Rosemeyer. Motion carried unanimously.

PROPOSED RULE CHANGE RELATING TO CE

MOTION: Susan Feith moved, seconded by James Rosemeyer, to approve the language changes to the draft of the proposed rule change relating to CE. Motion carried unanimously.

INFORMATIONAL ITEM

The informational items were reviewed by the Board.

ADJOURNMENT

MOTION: James Rosemeyer moved, seconded by James Greenwald, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:36 p.m.

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